

**Appendix II of
MPC Paper No. A/TY/134D**

Previous Planning Applications Covering the Site

<u>Application No.</u>	<u>Development</u>	<u>Date of Consideration and Decision</u>	<u>Main Reasons for Rejection / Approval Conditions</u>
A/TY/105	Proposed Warehouse (Godown for Storage of Steel Plates and Steel Materials)	9.1.2009 Rejected/not agreed by the Metro Planning Committee (MPC) of the Town Planning Board (TPB) 24.4.2009 Rejected/not agreed by the TPB on Review	(1) (2), (3), (4), (5) and (6)
A/TY/124	Temporary concrete batching plant for 3 years	N/A	Withdrawn by the Applicant on 21.8.2014
A/TY/127	Temporary concrete batching plant for 5 years	18.12.2015 Rejected/not agreed by the MPC of the TPB	(7), (8) and (9)

Rejection Reasons:

- (1) there was no information in the submission to demonstrate that goods vehicles could be turnaround within the application site.
- (2) there was no proper vehicular access to the Site;
- (3) provision for loading/unloading, parking and turnaround facilities within the Site were inadequate;
- (4) the proposed reliance on multiple back-and-forth manoeuvres in lieu of provision of standard turning facilities within the proposed development was not acceptable on traffic safety ground;
- (5) the applicant failed to demonstrate that the proposed development would not aggravate the current unsatisfactory traffic condition in the area;
- (6) approval of the application would set an undesirable precedent for similar applications for warehouse use in the area, the cumulative effect of which would adversely affect the traffic condition of the area.

- (7) the applicant failed to demonstrate that the proposed barging operation by using private mooring facility for the proposed concrete batching plant was feasible and would not have adverse impact on marine safety and the shipyards nearby;
- (8) the applicant failed to demonstrate that the proposed development would not have adverse traffic impact and traffic management concerns on the road network; and
- (9) approval of the application would set an undesirable precedent for similar applications and the cumulative effect of approving such application would result in aggravating marine traffic safety issue in the concerned sea area and adverse traffic impact and traffic management concerns on the road network.

**Appendix III of
MPC Paper No. A/TY/134D**

Similar s.16 Applications

<u>Application No.</u>	<u>Development</u>	<u>Date of Consideration and Decision</u>	<u>Main Reasons for Rejection / Approval Conditions</u>
A/TY/62	Temporary concrete batching plant for 5 years	12.1.2001 Approved with conditions by the Metro Planning Committee (MPC) of the Town Planning Board (TPB)	(a), (b), (c) , (d) & (e)
A/TY/91	Temporary concrete batching plant for 5 years	4.3.2005 Approved with conditions by the MPC of the TPB	(a), (e), (f) & (g)
A/TY/108	Temporary concrete batching plant for 5 years	12.2.2010 Rejected/not agreed by the MPC of the TPB 6.8.2010 Approved with conditions by the TPB	(1) (h), (i), (j) & (k)
A/TY/130	Temporary concrete batching plant for 5 years	25.11.2016 Approved with conditions by the MPC of the TPB	(i), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v) & (w)

Rejection Reason:

- (1) in the absence of a traffic impact assessment, there is insufficient information in the submission to demonstrate that the proposed development would not have adverse traffic impact on the surrounding area.

Approval Conditions:

- (a) the submission of a report on the tests and inspection of the existing conditions of the piles to the satisfaction of the Director of Civil Engineering or of the TPB.

- (b) the submission of an application for Specified Process Licence under the Air Pollution Control Ordinance to the satisfaction of the Director of Environmental Protection.
- (c) the submission of a transport plan including the access arrangement and the routing of the long or heavy vehicles to and from the application site within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB.
- (d) the concrete batching plant should not be operated before the commissioning of the Tsing Yi North Coastal Road.
- (e) the provision of emergency vehicular access and fire services installations to the satisfaction of the Director of Fire Services or of the TPB.
- (f) the submission of a transport plan including the access arrangement and the routing of the long or heavy vehicles to and from the application site to the satisfaction of the Commissioner for Transport or of the TPB.
- (g) the design and provision of environmental mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB.
- (h) the permission should cease to have effect on 29.4.2009 unless prior to the said date either the development hereby permitted was commenced or this permission was renewed.
- (i) no queuing on public roads in the vicinity of the application site resulting from the operation of the concrete batching plant should be allowed at any time during the planning approval period.
- (j) the submission and implementation of traffic management plan and associated mitigating measures, internal traffic circulation and pedestrian facilities within the application site, to the satisfaction of the Commissioner for Transport or of the TPB.
- (k) the provision of water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.
- (l) if the above planning condition (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.
- (m) the submission of water supplies for fire fighting and fire service installations proposals before commencement of the proposed development to the satisfaction of the Director of Fire Services or of the TPB.
- (n) the implementation of water supplies for fire fighting and fire service installations proposals before commencement of operation of the proposed development and during the planning approval period to the satisfaction of the Director of Fire Services or of the TPB.

- (o) the submission of landscape proposal within 12 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 25.11.2017.
- (p) the implementation of landscape proposal before commencement of operation of the proposed development and during the planning approval period to the satisfaction of the Director of Planning or of the TPB.
- (q) the submission of traffic management plan including information on the proposed maximum hourly concrete processing capacity, contingency plan and associated mitigation measures, traffic and pedestrian facilities within the application site within 12 months from the date of the planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 25.11.2017.
- (r) the implementation of the approved traffic management plan including information on the proposed maximum hourly concrete processing capacity, contingency plan, and associated mitigation measures, traffic and pedestrian facilities within the application site during the planning approval period to the satisfaction of the Commissioner for Transport or of the TPB.
- (s) the submission of a barging operation plan setting out details of the type and size of the vessel/barge involved, relevant operation, mooring arrangement, etc. within 12 months from the date of the planning approval to the satisfaction of the Director of Marine or of the TPB by 25.11.2017.
- (t) the implementation of an approved barging operation plan during the planning approval period to the satisfaction of the Director of Marine or of the TPB.
- (u) if any of the above planning conditions (i), (n), (p), (r) or (t) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.
- (v) if any of the above planning conditions (o), (q) or (s) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.
- (w) if the above planning condition (m) is not complied with before commencement of the proposed development, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

**Appendix V of
MPC Paper No. A/TY/134D**

Details of Departmental Comments

- (I) Comments of the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department (DLO/TW&KT, LandsD)
- (a) it is noted that the Site does not abut Tam Kon Shan Road which is at a higher level cordoned off by railings and separated by another footpath just outside the Site (**Plan A-8**). The applicant now proposes a ramp over Government land and alleges that it also serves as maintenance access to the existing drainage box-culvert within STT 538 KT. The Drainage Services Department (DSD) should be consulted on this aspect. The Transport Department (TD) and Highways Department (HyD) should also be consulted on the acceptability of the proposed vehicular access arrangement; and
- (b) it is noticed that the applicant has provided a Traffic Management Plan (TMP) at Appendix E of the Traffic Impact Assessment (TIA) Report (Appendix E of **Appendix Ia, Ib, Id, If, Ig, Ih, Ii and Ij**). As the TMP involves traffic arrangement outside the lots and the STT, LandsD is not the appropriate authority to enforce against non-compliance of the approved TMP if the planning application is approved by the Board.
- (II) Comments of the Director of Marine (D of Marine)
- (a) the further information (FI) about the clarification of the existing slipway (**Appendix Ir and Is**) including the sketch cannot serve as clarification as the FI has not provided sufficient information or evidence to substantiate the alleged actual size, length and structural conditions of the existing slipway. The responses provided by the applicant mentioned that “ if required, the submission of dimension and structural condition of the existing slipway can be served as a condition to approval” (Item 5 of Attachment 2 of **Appendix It**). However, the applicant has yet to clarify the actual size, length and structural conditions of the existing slipway.

**Appendix VI of
MPC Paper No. A/TY/134D**

Advisory Clauses

- (a) to note the comments of District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department (LandsD) that the proposed use as a concrete batching plant under the subject application is not acceptable under both the lease condition and the Short Term Tenancy No. 538 KT. The lot owner/tenant should apply to the Lands Department for a temporary waiver for the amendment of the user in respect of TYTL Nos. 14 and 15 and a modification of STT 538 KT for the amendment of the user and the addition of the vehicular access via the Government land (as a non-exclusive right of way to the tenancy area). The application will be considered by the LandsD acting in the capacity as landlord at its sole discretion. There is no guarantee that any such application will be approved by the Government. Any approval if given will be subject to such terms and conditions including, inter alia, payment of waiver fee/rental and administrative fee as may be approved by the Government.
- (b) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant shall undertake the detailed design, construction and maintenance responsibility of the proposed access ramp system from Tam Kon Shan Road to the Site subject to the agreement of the Transport Department;
- (c) to note the comments of the Commissioner for Transport that there are large trees near TYTL 14 under the maintenance of the Leisure and Cultural Services Department (LCSD). The applicant shall ensure that drivers' sightline will not be blocked by the tree crown. The applicant shall liaise with the LCSD for minor tree pruning if necessary.
- (d) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD) that the lot owner/applicant should note that no structure or support for any structure shall be erected within the drainage reserve area. Furthermore, no new tree shall be planted within the drainage reserve area (only removable planters will be allowed). CE/MS, DSD and his officers and the workmen shall have free access at all times to the drainage reserve area for the purpose of laying, repairing and maintaining drains, sewers and all other services across, through or under the drainage reserve area;
- (e) to note the comments of the Director of Fire Services that the provision of emergency vehicular access shall comply with the standard as stipulated in Section 6, Part D of the "Code of Practice for Fire Safety in Building 2011" under the Building (Planning) Regulation 41D which is administered by the Buildings Department;

- (f) to note Director of Electrical and Mechanical Services's comments that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the mentioned application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply line. From the regulatory point of view, the applicant is reminded that the design of the vertical transportation system should comply with the requirements of the "Code of Practice on the Design and Construction of Lifts and Escalators";
- (g) to note the comments of the Director of Environmental Protection that a Specified Process Licence under the Air Pollution Control Ordinance is required for the operation of the proposed concrete batching plant, and the requirement as stipulated in the Best Practicable Means for Cement Works (Concrete Batching Plant) BPM 3/2 will have to be complied with;
- (h) to note the comments of the Chief Building Surveyor/New Territories West of the Buildings Department that statutory submission for BD's approval is required for all building works involved including any demolition/ alteration and additions works for the existing building and the applicant's attention is drawn to the Practice Note for Authorized Persons, Registered Structural Engineering and Registered Geotechnical Engineer (PNAP) APP-120;
- (i) to note the comments of the Commissioner for Labour that the occupational safety and health of all workers/employees in accordance with the Factories and Industrial Undertakings Ordinance, Cap. 59 and Occupational Safety and Health Ordinance, Cap. 509 and their subsidiary legislations should be ensured including to impose a safe system of work in connection with suitable and adequate information, instruction, training and supervision for ensuring safety and health of workers/employees; and
- (j) to note the comments of the Director of Marine that the design and implementation of the proposed barges shall comply with the statutory requirements as stipulated in "Code of Practice – Safety Standards for Class II Vessels" issued by the Marine Department, if these barges will be licensed as local vessels.